

GARY A. BORNSTEIN (*pro hac vice*)  
gbornstein@cravath.com  
YONATAN EVEN (*pro hac vice*)  
yeven@cravath.com  
LAUREN A. MOSKOWITZ (*pro hac vice*)  
lmoskowitz@cravath.com  
JUSTIN C. CLARKE (*pro hac vice*)  
jcclarke@cravath.com  
MICHAEL J. ZAKEN (*pro hac vice*)  
mzaken@cravath.com  
M. BRENT BYARS (*pro hac vice*)  
mbyars@cravath.com  
**CRAVATH, SWAINE & MOORE LLP**  
375 Ninth Avenue  
New York, New York 10001  
Telephone: (212) 474-1000  
Facsimile: (212) 474-3700

PAUL J. RIEHLE (SBN 115199)  
paul.riehle@faegredrinker.com  
**FAEGRE DRINKER BIDDLE & REATH LLP**  
Four Embarcadero Center  
San Francisco, California 94111  
Telephone: (415) 591-7500  
Facsimile: (415) 591-7510

*Attorneys for Plaintiff and Counter-defendant  
Epic Games, Inc.*

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**OAKLAND DIVISION**

EPIC GAMES, INC.,  
  
Plaintiff, Counter-defendant,  
  
v.  
  
APPLE INC.,  
  
Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**DECLARATION OF M. BRENT BYARS IN  
SUPPORT OF PLAINTIFF'S  
ADMINISTRATIVE MOTION TO  
CONSIDER WHETHER ANOTHER  
PARTY'S MATERIAL SHOULD BE  
SEALED PURSUANT TO CIVIL LOCAL  
RULE 79-5**

Judge: Hon. Yvonne Gonzalez Rogers

1 I, M. Brent Byars, declare as follows:

2 1. I am a senior attorney at Cravath, Swaine & Moore LLP, counsel to Epic Games,  
3 Inc. ("Epic") in the above-captioned actions. I am admitted to appear before this Court *pro hac*  
4 *vice*.

5 2. I submit this declaration in support of Plaintiff's Administrative Motion to  
6 Consider Whether Another Party's Material Should be Sealed Pursuant to Local Rule 79-5, dated  
7 March 7, 2025.

8 3. I have personal, first-hand knowledge of the facts set forth in this Declaration. If  
9 called as a witness, I could and would competently testify to these facts under oath.

10 4. Attached hereto as **Exhibit A** is a true and correct copy of an unredacted version of  
11 Epic's Post-Hearing Findings of Fact with highlights reflecting redacted material in Epic's  
12 publicly filed Post-Hearing Findings of Fact.

13 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true  
14 and correct and that I executed this declaration on March 7, 2025 in New York, New York.

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17 M. Brent Byars  
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**E-FILING ATTESTATION**

I, Gary Bornstein, am the ECF User whose ID and password are being used to file this Declaration of M. Brent Byars in Support of Plaintiff's Administrative Motion to Consider Whether Another Party's Material Should be Sealed Pursuant to Local Rule 79-5. In compliance with Civil Local Rule 5-1(i), I hereby attest that concurrence in the filing of this document has been obtained from the signatory.

/s/ Gary A. Bornstein  
Gary A. Bornstein